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IN THE MATTER of the Public Inquiries Act,
R.S.A. 1970 C.296 and amendments thereto

AND IN THE MATTER of the Public Inquiry by
A.M. Harradence, Q.C., pursuant to Order in
Council 1295/73 dated August 21, 1973 into
the alleged use of excessive force by
Correctional Officers upon inmates of the
Calgary Correctional Institution during the
evening of July 17, 1973 and any other
similar instances.

PUBLIC INQUIRY

Proceedings taken in the Club Room at the
Jubilee Auditorium, Calgary, Alberta, com-
mencing on the 1st day of October A.D. 1973.

Volume XII

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DEPOSITIONS TAKEN 10:00 A.M. NOVEMBER 13, 1973:

MR. PEACOCK: Mr. Commissioner, we have discussed this matter amongst counsel over the past week to determine the course of the Inquiry, the remainder of the Inquiry.

Mr. Macdonald and Mr. Scott apparently had interviewed inmates and they have received the statements that Inspector Roberts took for me and on the basis of their investigation it has been decided that three inmates will be called relating to general matters.

Mr. Stilwell has provided me with advice as to the witnesses that he proposes to have called on behalf of the guards.

Mr. Meurin will decide who he will call on behalf of the Warden and we will then call approximately three other witnesses on general matters.

I should point out for the purposes of organization that we will be unable to convene tomorrow or Thursday so we will proceed today and reconvene again on Friday and hopefully wrap the matter up next week.

I might also advise of the inmates which we propose to call today only one of them is available so far this morning and hopefully the other two will be here as the morning progresses.

I think we will start, if we may, if the other witnesses aren't here by the time we finish with this present witness we might have to adjourn. Would you call Fred Rocheleau please.

THE CLERK: Your full name, please?

THE WITNESS: Frederick Alexander Rocheleau.

FREDERICK ALEXANDER ROCHELEAU,
having first been duly sworn, examined Mr. Peacock, testified as follows:

Q Mr. Rocheleau, you recall you gave evidence on this Inquiry earlier?

A Yes, I do.

Q I understand that you have been transferred from the Calgary Correctional Institute to Bowden, is that correct?

A Yes.

Q Now, I think before we start I may advise you that the Commission is not looking for names or is it looking for you to advise of the sources of problems relating to certain individual inmates. But we would like you to advise the Commissioner what you feel can be done at the Calgary Correctional Institute to endeavour to avoid confrontations between inmates and guards and inmates and prison staff such as the incidences that have happened over the past months, do you have any ideas for the Commission?

A I think an inmate committee can help out inside the Calgary Correctional Institution. I don't think he can

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help out between the guards and the inmates because that's between the guards and the inmates themselves.

Well, if there is an inmate meeting inside the Institution they are going to say that the inmates are going to take a different look upon the guards, and the guards are going to take a different look on the inmates. The only thing that an inmate committee can do is try to help out in the Institution, just a group of inmates that meet with the Warden in Edmonton and the outside people, the City Police or whatever and try to talk the inmate problems out and, you know, just try and look at both sides of it.

Q Now, I gather that there has been no formal committee set up of inmates to discuss the problems with people, is that correct, at the Calgary Correctional Institute?

A Yes.

Q I understand as well that you were previously incarcerated in an Institution in Regina, is that correct?

A Yes.

Q Was there a committee set up there?

A Yes, there was.

Q Could you tell us how that committee was formed?

A Well, it was formed through the inmates and the Warden himself. There wasn't really too much problem trying to talk to the Warden, the Warden come up and he heard what the inmates said and the inmates heard what the Warden had to say and the inmate meeting, you know,

"See you in Ottawa" and they had the inmate committee meeting within a week.

Q Now, did you observe how that committee worked, were there regular meetings established between the committee and the staff?

A Yes, there was meetings every week and sometimes not every week but every two weeks outside in the street and inside the building and with the outside, with the public and if they wanted something the inmate could take it up with the Warden or go to Ottawa, wherever they wanted to have the meeting.

Q When you were in the Calgary Correctional Institute did you have difficulty in getting communications to Warden Jackson?

A Yes, at times we did.

Q Do you know why that happened?

A Well, that's one of the things that an inmate puts in a request to see Jackson or someone else, a guard or maybe one of the Assistant Wardens, they don't agree with him or don't like you and particularly don't like your attitude they don't want you to see him they just take the request and rip it up and throw it in the garbage can.

Q Has this happened to you before?

A Well, I don't know if it happened to me but it has happened to other inmates that I know of.

Q With regard to the programs at the Institute, were you

involved in work parties or anything of this light when you were there?

A Not outside of the Institution, no.

Q Were you involved in work parties outside of the Institution in Regina?

A Yes, I was.

Q Do you have any comments as to the amount of work that is available for inmates at the Institution here?

A Well, here I can't really tell you exactly how much because I haven't been outside in work parties or anything but on the inside of the Institution all you have is your cleaning jobs and that's about it.

Q Were there other jobs inside the Institution, for instance, at Regina?

A Inside the Institution at Regina, all we had inside the building was cleaners and outside the building they had all their other shops, carpentry shop and everything else.

Q Do they have shops at the Calgary Correctional Institute like this?

A I believe they have a carpentry shop. I'm not too sure how many other shops they do have.

Q In your experience as an inmate did you find that you would rather relax or would you rather work?

A Well, I would rather work to make the time go faster.

Q Do you think keeping inmates busy with work is a better idea than keeping inmates in a relaxed atmosphere?

A Well, if you keep the inmates sort of behind the four walls he is not really relaxed, he just got the ambition to go and sometimes it don't really work and sometimes it does. Other inmates flip out and sometimes others don't.

MR. PEACOCK:

Would you answer other counsel.

CROSS-EXAMINATION BY MR. MACDONALD:

Q I would take it Mr. Rocheleau, the basic problem that you find in the Calgary Correctional Institution as compared to Regina is that there is too much time on a person's hands, is that correct?

A Yes.

Q There is simply not enough to do?

A Pardon?

Q There is not enough for you to do, is that right?

A There isn't enough for any of the inmates to do within the Institution because outside the Institution -- I feel that the Calgary Correctional Institute should have more things going for itself within the Institution or even on the outside of the Institution.

Q Can you describe the situation in Regina with respect to what work there was available for prisoners?

A Well, there is a cleaning crew, a carpenter crew, welding crew, there is sort of a hobby shop more or less but you go there and you can put your eight hours in and make whatever you want and you can put in to get people to bring their furniture in and you can refurnish it,

you know, different things like this. There is shoe shops, those are outside of the Institution. There is auto body shops outside of the Institution and they have a variety of different things.

Q Well, when you say outside of the Institution do you mean in the City of Regina or is it on the prison grounds?

A No, it's on the prison grounds.

Q You are just talking about the outside of the building?

A Yes.

Q Can you say what percentage of the prisoners in Regina had a job to go to every day?

A 95% of them.

Q Was this like an eight-hour job?

A Yes.

Q Did you find that with an inmate committee that there was a decrease in tension, was anything solved?

A Well, it solved a lot of the problems that the inmates were having. Up until now as far as I know the inmates haven't been giving any more trouble.

Q How many inmates were on this committee?

A There is two from each dorm and then there is the president of it and then the vice-president.

Q Would they meet weekly with the Warden?

A With the Warden and the outside, yes.

Sometimes they would meet every two days, every week, it all depends on what the inmates, if they have a suggestion. There is a suggestion

box put out and you put in the suggestions and the suggestions go to the Warden's office and the Warden would look at them.

Q Did you have the same difficulty in communication with the Warden and the higher staff in Regina than you would appear to have in Calgary?

A No.

Q Would it be fair to say that you find this problem of communication one of the bigger problems in Calgary?

A Yes, I do.

Q Do you have any comments for us with respect to sports programs or facilities that are available in Calgary?

A I don't even know what they have going right now, what they got going in the past three weeks, the past few weeks but when I was there we had a volleyball team, floor hockey and weight lifting and just gym.

Q This is in Calgary?

A Yes.

Q Were there enough of these outlets, these sports things for you to do, do you have any complaints about the sports programs?

A Well, with the sports, no, I don't. An inmate goes to sports if he has the ambition to go and work out with the rest of the inmates and get in with the rest of the inmates in floor hockey with the outside teams coming in to play.

Q Did you personally have any problems in solving any

medical problems that you might have had at the Institution?

A Well, one of the problems there is that you have to request to see the nurse and if you are sick you go up there and tell them: "Okay, I am sick", you know, "I would like something for it", and they would say: "No, you're not sick, go back to your dorm".

THE COMMISSIONER: Who makes that decision, Mr. Rocheleau?

A The nurse, and the Warden.

Q MR. MACDONALD: Are you aware of it personally or do you know of any other instances where people reported and complained that they were sick and have been told that they weren't sick and were sent back to the dorm and subsequently it was found out that they were ill?

A Yes, I do.

Q Can you tell us about that?

A Well, one of the other inmates was quite sick, he had a cold and everything and he went up to the Orderly and they just said "I don't want to see you", and just sent him away.

Q What happened to him?

A Well, the inmate just went back to the dorm, there was nothing else that he could do.

Q Well, was he in fact sick or not?

A As far as I could see he looked sick.

Q Is that the only instance that you can give us?

A Well, that's the only one that I can remember.

Q Have you personally ever tried to see a doctor in the Institution?

A Yes, I went up to see the doctor in the Institution.

Q Did you have any difficulties at all in seeing him?

A No, I don't know, well, none other than just putting in a request.

Q What about --you mentioned work programs, did you find that there is sufficient sort of hobbies or crafts to occupy your time in the Institution?

A Well, there is hobbies and crafts but the inmate, he does his hobbies and crafts whenever he got that feeling to do it.

Q I am sorry, I didn't hear that?

A An inmate does his hobbies more or less on his own time, after work. Just more or less on his own time that he does it.

Q Is there enough of them there as far as you are concerned?

A Well, I don't think there is enough hobby work there, they don't have the equipment to do it.

Q Just to summarize Mr. Rocheleau, would it be fair to say that you feel that the basic problems in the Institutions are (1), inability to communicate with the Warden and the higher staff and (2), there is too much time on a person's hands?

A Well, I feel that the inmates would like more communication

with the Warden as to try and get more things going to take more time off a prisoner's hands.

Q Now, are there any other complaints that you have about the Institution or any suggestions that you can make?

A No, I don't.

MR. MACDONALD:

Thank you.

CROSS-EXAMINATION BY MR. MEURIN:

Sir, I find myself in some difficulty, I was just looking at the Order in Council again and while all of these facts are rather interesting and I don't want to restrict anyone from what they have to say but it is my respectful submission that this is beyond the terms of reference of this particular Inquiry.

I feel that we are getting into rather broad general areas and while in some instances they may relate to force in that Mr. Rocheleau has said that it will help avoid confrontation so when I look at the terms of references here they are clearly here to the excessive use of force by guards and not to confrontations generally.

I only make the comment and I am speaking from newspaper reports, although this man advocates a committee of inmates it is my understanding that Regina recently had what was termed a riot and some hostages were taken in that and it seems to me if we are going to get into an Inquiry where we are

comparing institutions and what should be done and so on, like I say, it's interesting but I don't feel that this is the time and place for it and because of that I don't propose to ask any further questions.

THE COMMISSIONER: Mr. Peacock.

MR. PEACOCK: Well, I think as all counsel are aware I tend to concur with Mr. Meurin's observations and I think you made the observation and I think quite properly before you can determine what is excessive force you have to delve into the background and determine what the entire operation of the institution is.

I think that if we are going to continue in a general Inquiry that we have to bear in mind that the terms of reference are excessive use of force.

I think I will leave it to you to determine whether or not alleged communication or alleged lack of activity problems relate to the terms of reference. I must say that I think we should be restrictive in what we cover and I think I have to leave it to you to set the guidelines.

THE COMMISSIONER: Mr. Macdonald?

MR. MACDONALD: Mr. Commissioner, I feel quite frankly without looking at the strict wording of the Order that it would be a dereliction of duty on this Commission not to go further than just the bare

incidences themselves.

The point of the Inquiry is, surely, did they happen. Now, we have heard evidence that they happened and it seems to me that that would be the tip of the iceberg and if they did happen why did they happen and surely what we should be trying to get here if this Commission has any effect we should perhaps see if criminal charges were laid and left it at that and I would stress the why is more important than what and I think it would be the ability of this Commission to determine the background which leads to instances that have been described before this Commission.

THE COMMISSIONER: Mr. Stilwell?

MR. STILWELL: As you know Mr. Commissioner, counsel have agreed that we are going to restrain ourselves in the number of witnesses we are calling and there is no danger that this is going to turn into a far reaching fishing expedition and the use of force brings directly out of the training and the attitudes and the level of tension of the staff as well as the inmates and I submit therefore these matters are relevant. There comes a point where relevancy is exceeded and when that point arrives you can put an end to the cross-examination.

I submit there is no real problem and it would be premature to judge the matter at this point and I would respectfully submit the people see in the matter that yourself and other counsel have

agreed.

THE COMMISSIONER: Thank you Mr. Stilwell.

Well, gentlemen, I can certainly see the reason why you are concerned Mr. Meurin and maybe we are going right to the very borders of the terms of reference but I do feel if I am to determine whether excessive force was used I am going to have to know some of the background and some of the circumstances. Now, it may well be that we Inquiry into that ^{it} be/inadvertently or perhaps by necessity have to transcribe somewhat the terms of references. But I take it in the public interest as to the background and as Mr. Stilwell stated the level of tension and all the other circumstances which might pertain to the use of excessive force be gone into.

I would suggest to counsel in the cross-examination bearing in mind that we are close to the limits of the reference and do their best to keep their examination within those bounds.

MR. MEURIN: I have nothing further to say.

EXAMINATION BY THE COMMISSIONER:

Q Mr. Rocheleau, were you an inmate in Regina when this incident occurred that Mr. Meurin has referred to?

A When they had the hostages?

Q Yes?

A No, I was not.

Q Am I not correct that the persons who staged that incident were on remand?

A I couldn't really say, Your Honour, I was doing time here in Calgary.

THE COMMISSIONER: All right, thank you.

Anything further?

MR. PEACOCK: I have no further questions.

THE COMMISSIONER: Thank you Mr. Rocheleau.

(Witness retires).

MR. PEACOCK: Perhaps we can adjourn for 10 minutes and see if we can find our witnesses.

(Inquiry adjourns).

(Inquiry resumes).

MR. PEACOCK: Call Gary Spooner, please.

THE COURT: Your full name, please?

THE WITNESS: Gary John Frederick Spooner.

GARY JOHN FREDERICK SPOONER,

having first been duly sworn, examined by Mr. Macdonald, testified as follows:

Q Mr. Spooner, your name is Gary Spooner?

A Yes.

Q And you have just been released from the Calgary Correctional Institute, is that correct?

A Yes.

Q How much time did you serve at the Calgary Correctional Institutue?

A Altogether I must hve served about 40 months at one time and another.

Q Now, over the course of the past, say two months did

you have occasion to meet with other inmates as well as someone from the Correctional Institution staff to discuss certain problems?

A Yes, five of us. There was myself and four other guys we met with the Warden two days in a row and we were discussing some of the things in the Institution that were going on, some things that the inmates, things that would make things better.

Q Did you discuss these things with various inmates as well?

A Oh, yes.

Q Did you come to some sort of a consensus what the major problems that you found within the Institution?

A Yes, there is not enough for the inmates to do in that Institution, anything constructive.

There's got to be something for him to do, there's got to be more shops or more constructive training of some kind. You know, he's got too much time, it's just go to work and watch TV, he's got to do something else.

Q When you say go to work, what sort of work do you do while in the Institution?

A I was the Assistant Editor of the newspaper in there, an alcoholic newspaper.

Q And how often is that published?

A That goes out once a month but the other guys in there, like the guys in the summertime they go and pick potatoes

all day, you know, the potatoes have to be picked but if he had something to do when the potatoes --, you know, before they picked the potatoes, something constructive, something that they enjoy doing, it wouldn't be so bad to pick the potatoes.

Q How many hours a month would your job on the newspaper occupy?

A Oh, the hours were my own. It wasn't something that I had to do but it was something that I wanted to do.

Q Well, did you have no basic job?

A Yeah, I had to clean the classroom every night from 3:30 until four o'clock.

Q Half an hour a day?

A Half an hour.

Q That was the only job that you had?

A Yes, that was the only job that I had at the end.

Now,

Q /shops and constructive work can be done to occupy your time - do you have any other recommendations?

A Well, I think that guards have taken courses in Edmonton and I think they should be able to utilize what they have learned.

Like, the guards, like, in the wing, just the guards that don't have no sergeants or anything, you know, he should have more say in running of the Institution. His opinions should be listened to.

Q What leads you to think that it is not?

A Well, I have been told by the guards that it is not and just by, well, if you go in the wing and the guard sits in that cubicle for his eight-hour shift and that's all he does, except to tell the guys to sweep the dorm, he isn't doing nothing.

Q He is performing sort of a caretaker-babysitting function and that's all?

A Yes, gaoler and that's it. A security function.

Q What other sort of things did you discuss with the Warden?

A Oh, we discussed everything, like, hobbies, there is no hobby room there, there is no place to show off your hobbies. You know, just things like that.

We never discussed medical, I don't know what is going to be done but one of the complaints of the inmates was that when they wanted to see a doctor they had to see this Mr. Walker first and if he said you could see a doctor then you did and if he didn't then you didn't.

Q Who is Mr. Walker?

A He's the Orderly there, I understand he is the sergeant on the gaol staff but he is the Orderly.

Q To your knowledge does he have any medical training of any kind?

A To my knowledge, no.

Q It has been suggested here this morning one thing that might alleviate some of the problems would be an inmates committee, do you have any comment on that and in

particular these meetings that the five of you inmates had with the Warden, were they beneficial?

A Yes, some of the things were done that we discussed. I think inmates committee is good if it works with the administration, you know, the communication is a lot better.

There is no communication there now and if the gaol is running good and then the administration and the inmates are all happy and if it's not running good then everybody is up tight.

An inmate committee -- the only way you can do anything in the Institution now, not myself but I'm talking about other guys now, if they want something they have to sit down and strike because there is nobody that is going to listen to them and if you have an inmate committee maybe there is someone that will listen.

I think it was proven they never got nothing until they sat down and all of those things that they asked for, you know, like, when I went there in '71 everything was running good. They had day passes, they were pretty easy to get and it took a lot of tension away and guys didn't want to complain about the stuff that was wrong in there because if they did they might blow their day passes so there was an incentive, like, to keep the guy doing good for himself and not screw up, I guess, and he would get a day pass

but now there is no incentive for nothing so why should they listen to their complaints.

Q Are there no day passes now?

A They're pretty tough to get.

Q How would --

A Especially you ask a Warden for a day pass and he says that he's not allowed to give you one because there is a directive on his wall so you write Edmonton to find out why that directive is there and Edmonton sends back and tells you that it's entirely up to the discretion of the Warden.

Q Did you write letters to that effect?

A Yes, I did, back in '72.

Q Are day passes handed out on a uniform basis?

A No, they are not.

Q How do you go about getting a day pass?

A How would I go about it?

Q Yes.

A Well, if I wanted a day pass I would have to crumb, probably, to someone --

Q You would have to what?

A Crumb to someone to get one.

Q What do you mean by crumb?

A Well, like if somebody in my family died.

Q What do you mean by crumb?

A Oh, I would have to talk pretty nice to some people and then probably if I had any information I would have to

write it out before I got one, you know, I would have to think of somebody.

Q To your knowledge is that a common practice or is that just your particular situation?

A That's how I would have to get one and that's how I think some of the other people get them, you know, that is only my opinion. I couldn't say if it's factual or not.

Q Is there any set procedure laid down as to how many day passes you are entitled to or are they just handed out to people that have done good in the Institution?

A Well, they say you are to get a day pass, I think, it's every five or six weeks, I think it's five weeks if you meet your requirements on that directive.

I have noticed guys up there that go out quite regularly. One guy out there was going out, just stopped now but he was going out every weekend, on Saturday, one day, every weekend.

There is another guy out there who goes out three days and goes to special functions and another thing that is happening there that they have guys going downtown to ball games and hockey games.

Now, whoever decides who should go I think they should take a closer look and take the guys that can't get day passes and stuff. If they don't give them a day pass they could go down under escort to a hockey game or something.

Q Mr. Spooner, are there any further recommendations that

you can give us about anything else that you discussed?

A No, I would just like to say that I believe if the guards in the Institution worked along with the inmates on case loads or something maybe me and 10 other guys have one officer who we talked to, you know, maybe we can play basketball with a team or something.

Well, whatever his job would be you could talk to him and get to know him and if they had more say in how the Institution was run in all matters concerning inmates where right now they just fill out a little card, you know, which doesn't mean too much to anybody. But they should have a lot more say, just the guards that have no say right now and also, like, the alcoholism counsellor should have more say and the psychologist, the instructors, like, there is only one in the barber shop and I think too there should be some shops in a Provincial Institution because a guy can get started and even if he can't finish the course he can finish it out on the street.

MR. MACDONALD: Fine, thank you. Would you answer other counsel.

EXAMINATION BY MR. PEACOCK:

Q Mr. Spooner, I think we all have to realize that, and I think you will agree, that most of the people that are in there as inmates don't want to be there?

A Yes.

Q Would that be fair?

A Yes.

Q And what you are suggesting today is what you consider to be some of the reasons for the dissention amongst the inmates and perhaps some of the reasons for these incidences that occurred while you were in the Institute the last couple of months, is that correct?

A Yes.

Q Now, what I am wondering is simply this, is what you are telling us is this, that you feel that were there more communication channels established, albeit, through the guards themselves or through Warden Jackson that you feel the ability of the inmates to voice those decisions would prevent them from confronting the guards or confronting the prison establishment the way they have?

A Right, what you have when communication breaks down there is no other recourse.

MR. PEACOCK: Those are all the questions that I have.

THE COMMISSIONER: Mr. Meurin.

MR. MEURIN: No questions.

THE COMMISSIONER: Thank you Mr. Spooner.
(Witness retires).

MR. PEACOCK: I will point out, Mr. Commissioner, that we are waiting to determine whether the other witnesses are here for this morning.

I wonder if we can adjourn for

five minutes and decide what to do, find out where he is.

(Inquiry adjourns).

(Inquiry resumes).

MR. PEACOCK: Mr. Commissioner, the witnesses we propose to call is presently in Court at Cochrane and will be here at 1:30.

THE COMMISSIONER: Until 1:30, then.

MR. PEACOCK: Thank you.

DEPOSITIONS TAKEN 2:00 P.M. NOVEMBER 13, 1973:

MR. PEACOCK: Call John Schimmens, please.

JOHN ALEXANDER SCHIMMENS, having first been duly sworn, examined by Mr. Scott, testified as follows:

Q Mr. Schimmens, are you presently an inmate at the Calgary Correction Institution?

A That's correct, sir.

Q And are you there as a remand prisoner or or are you there serving as a sentence?

A There as a remand, sir.

Q And presently facing charges before the Court, are you?

A Yes I am.

Q How long have you been there recently?

A I have been there since June 26th.

Q And I take it as well that you had spent other time in this Institution. Is that correct?

A Oh, yes. A number of times.

Q Would you just advise the Commissioner approximately how much time you had spent in the Calgary Correctional Institution?

A Altogether?

Q An approximate amount.

A Approximately four and a half years.

Q So, I guess we can say that you have had considerable experience in this Institution. Is that right?

A That's correct.

Q Now, today we are dealing with the comments made by inmates or to be made by inmates concerning specifically, or more particularly, what the inmates feel can be done and the complaints that they want to air about discipline problems up there and apparent tension which appears to exist at the Institution.

Now, I would like you to advise this Commission your impressions and opinion, which you developed over these years and any solutions which you would suggest, specifically dealing with this type of problem; that is problems that have created the tension that is apparently there presently and discipline problems which are being experienced up there as well.

Now, don't go into things like bad food and things like that. We don't want you to go into that area but more like general comments about the problems that have led to this Inquiry; that is the use of excessive force, the alleged use of excessive

force and the discipline problems that are apparent there at the present time.

A Yes, right. I think one of the main problems in the Institution is the way they handle the Disciplinary Board in the Institution. The Disciplinary Board is a board that is supposed to be where you go in front of the Warden or a Deputy Warden. Charges have been laid by an officer in the Institution regarding the man being charged with foul language to an officer or making brew or anything like that, you know.

Now, what happens is, you are charged, a guard charges you and then takes you to the hole the majority of the time. In other words, the man has no right to say, you know, if he is guilty or not guilty of the offence. He has no say and there is no officer that is brought forth with the man to the Warden to explain what the charge is about or anything.

Now, what happens is this; a lot of the men they go to the hole. They are put in there and it forms a lot of tension. The guys want to know why they're in there. They might say, "You're in there for swearing at a guard", or swearing at a Warden or Deputy Warden. Sometimes the man is not even brought in front of the Warden and the men feel that there is a lot of tension that gets built up.

Now, some of the things that happened is - and here is an incident that I can relate,

an incident I recall with Collymore. He was taken to the hole for apparently using foul language to an officer. The man was put in the hole for seven days. He wasn't even brought up in front of the Warden and he wasn't brought up in front of anyone whatsoever. Then he was let out of the hole and led back to his cell. Now, the man hasn't had a say. The officer that charged the man -

THE COMMISSIONER: . Excuse me, Mr. Schimmens, is Mr. Collymore coloured?

A A coloured fellow?

THE COMMISSIONER: Yes.

A Yes, he is, sir.

THE COMMISSIONER: Go ahead.

A Now, the man gets out of the hole and there is a lot of tension and he wants to know why he is charged. He is not brought in front of the Warden. The way the Disciplinary Board is run, when you do go in front of the Warden, he just says we have a charge here that reads such and such. I feel that you have either been doing this or you have been doing that and then he makes his judgment. The officer of the charge is not brought there. The officer that laid the charge, he doesn't have a say. The inmate doesn't really have a say. I mean, he will have a say as far as, well, "Maybe I made a mistake" or "I did this", and so on and the man is then locked up, put in the hole and

nothing is done.

Now, the way things - the Disciplinary Board should be run in the Institution is that if a man is charged, he should have a right to defend himself just like in any Court case. The man should be able to bring witnesses and so on, like they have in other institutions and I feel that it would save a lot of problems there where if a man is charged, he can come forth to the Warden and say - well, the guard will have his say and the man gives his testimony, and you know, it is sort of brought out in the open right there. It's not held back so that the guy goes back to his cell later on and says that so and so, you know. This has caused a lot of friction in the Institution.

Now, once this friction gets built up with one man, you know - let's be truthful; a man has friends. His friends take his side and naturally it builds up and builds up until something happens and then the Warden or Deputy Warden of the Institution says, "Well, why is this happening? Why is this incident taking place?" Now, it could have been stopped very easily if they had just brought the man forward, explained everything to him and not just lock the man in the hole and then bring him out. I mean, it causes lots of friction. And that's one of the main things in the Institution where there is a lot of friction over.

Another incident that I think that a lot of friction gets started in the Institution is this; there is not very much to do in that Institution. Really there is nothing to do. They have, as far as I know, that's the way the Institution is now - it's in sort of a bad situation where there is a new Remand Centre being opened. I realize that, where the fellows will probably have a little more freedom there. But, what happens is this; that a man is put in the cell block. He is on remand and he gets his exercise. They give him association now. It's called "association" where the man is out for approximately an hour, an hour and a half for the day, plus his exercise period and the gym period. But now what happens is this: these men are locked up there. They're on charges and there is lots of frustration and everything builds up and there is no communication in the Institution. Let's put it this way, there is none whatsoever. If I ask a normal guard in the Institution, I say "Look boss, I would like to put a request in", or, "I would like to do this, or I would like to do that", then they take the request and that's as much as they can do for a man in the Institution. They can't do anything else. All they are there for is to look after the key. There has been many a guard in the Institution who has admitted that they have no authority whatsoever. All they are there for is to just turn a key.

You ask them, you say, can you go and see about something for me. They say to put a request in. You say, well, something urgent has come up. They will say, well, I don't know anything about it. I will check with the chief guard. Then three hours later your answer comes back and they say, did you get an answer or something. You know, nothing is done. And then the guy starts getting frustrated. Then they say, look, I have had my request in for a week or so and nothing is done. And the guards, they're in a position where they can't do anything for you. They can't do nothing.

Now, as far as the work, there is nothing for the cell block fellows to really do in the Institution. They did have TV's in the Institution at one time. But, they were taken out regarding an escape. There was, you know, this was a few years ago. That was in 1969. I don't see why they don't put a few of these things back today, due to the fact that they have all the security now there. The cameras and the grill gates and so on. It's just that nobody wants to do anything. Nobody wants to step out for anybody. It seems that the way things are situated is just that nobody wants to sort of put their neck on the line for an inmate. That's the truth of it.

Q MR. SCOTT: Do you find that there is or that you are treated informally by the guards? In

other words, is there an apparent policy, Institution policy which would be consistent or does each guard treat you the same or does one guard react differently from another, more or less on an individual basis?

A I would say the majority of the guards, I feel they treat you fairly. Fairly equal. But now, there is good and bad in all. Some of them, you don't get along with and some of them, you know, there is a lot of frustration built up on both sides of the fence, this sort of thing.

Q What about communication with the senior members of the Institution staff?

A There is no communication in that Institution whatsoever.

Q Why in your opinion is there a breakdown?

A Everybody passes the buck. Nobody wants to do anything for anybody. They will just say, well, you see so and so. But when I go and see so and so, he can't do anything for me. And then you go and see somebody else. Now, when you do get to see somebody else, he promises you the world. And then when you are locked up again, it's all forgotten about. Nobody knows. And then you ask them and they will say, it's in the book. We don't know anything about it. And I guess they got a little frustrated over this and they started, maybe getting aggressive or they have a sit-down strike or, you know, they call out a hunger strike and then a lot of things happen and the Institution says, "Look, we have been

doing all these things for those people. We have been giving them this and that and they can follow the normal procedures in the Institution", you know. Which isn't true.

Now, I mean, everybody just passes the buck. Everything is just passed over. I asked one guard something and he said, "I will go up and check." He has to check with somebody. And the guy that he goes to check has to ask the Chief Guard and he has to check with a Deputy or Assistant Deputy Warden and they have to check with somebody and eventually it has to be checked out with the Warden and the Warden has to pass the order back down and by the time they get back to you, they are totally different. It has nothing to do with the topic that was brought up in the first place and that causes a lot of frustration.

Q Now, there has been talk of prisoners or an Inmates Committee. What comments would you have to make with respect to the good or bad aspects of having an Inmates Committee?

A Well, I would say they're good. I have been in the Prince Albert Penitentiary where we have a committee in the Penitentiary and it's run extremely well. Extremely well. The committee is run this way; where you have a group of different shops in the Institution and they take a representative from each shop to represent those men. And if - the guards as well have four or five or

six that sit on this committee. And what happens is the committee sits down once a week with the warden and the deputy warden and the assistant warden and the people that run the Institution and they explain their problems. They say, well, we have had such and such and we have had complaints from so and so, maybe you can look into the incident. You know, it's brought right out in the open where everybody knows about it and it solves a lot of problems.

Q So the committee in Prince Albert consists of members of both the prisoners and the guards and the senior officials. Is that right?

A I should clarify that. The inmates, we have our own committee in the Penetentiary. The inmates have their own committee. They run everything. They run the sports, they run the shows. They run our field days. Now, everything. And money is being spent on instruments. We pay for it out of our own pocket. You know, there is money put aside when an inmate walks in - he is, say, e.g., an inmate comes in and they will take 55¢ a week off that man and that's put into what they call a "welfare fund" and this welfare fund builds up in a year's time to a numerous amount of money.

Now, what they do with the money, the inmates will say, well, we will like to spend a certain amount of money on sports equipment. Or we would like a certain amount of money spent on musical

entertainment. Or we would like a certain amount of money spent on different things in the Institution. Where everybody in the Institution has access to it. Where that money is belonging to everybody, you know.

Q Do you think it would be possible in an institution where sentences run up to two years' limit to have an Inmates Committee which would be operable?

A I strongly believe in this Inmates Committee, yes.

Q But do you think it could be operated, you know, satisfactorily in view of the fact that many people, who are in there are just in for a few months?

A (No answer).

Q In other words, do you think it would be possible to have an Inmates Committee like the Calgary Correctional Institution where the sentences are under two years?

A I still feel that they could have a committee. I really do. But they're going to have problems, there is no doubt. There is, like you are going to have a man coming in doing 30 days and he is going to say, "Why should I give my 55¢ up", or a nickel or a dime or whatever it comes to, you know. You are going to have guys doing two years less a day and saying, "Well, it's for the other fellow." You are going to have a little frustration that way, but in the long run, you know, when you start anything, you have difficulties.

Q Is there presently any system of communication between the inmates other than specifically requesting guards

by the individuals in the Institution?

A You mean -

Q In this Institution.

A You mean is there any communication as far as -

Q Through an inmates group at the present time.

A Not to my knowledge.

Q Has the inmates -

A I mean, there is a plan right now that just last week I seen - he said he had something to do with some committee or something. I don't know. But, they possibly may have this. But, there is no committee of any kind that I know of in the Institution now. The only committee I know of is sort of a guards committee where they all sit once a month or whatever it is up near the Warden's office and talk about the difficulties that have been happening in the Institution. But, that's the only one that I know of.

Q Have you got any other comments that you could make which might help this Commission in the general area of the problems that have arisen in discipline and tension up at the Institution? Why is this happening?

A Here is a problem that this Institution has in Calgary, is this; I will use myself as an example. I escaped in 1969 out of the Institution. I was charged with instigating that in '69. I was brought back this year and I was put into the cell block. I was immediately accused or there was a letter to be believed to be given

to the Warden which the Warden had told me that I was going to escape again. They said I was the instigator of another escape. I asked the Warden to check that incident out. It was believed that that incident was found not to be true. But yet I am still locked in the Segregation Area right now because they say that I am a security risk to the Institution. I am a remand prisoner and still locked in the Segregation cells. Wayne Collymore is a remand prisoner and they locked him in there. The reason we are locked down there is because of some incident that took place and now they are saying we are charged with assaulting guards. Well, when another man gets on charge for assaulting, he is put in with the other inmates. Automatically they take us and line us up and say, you fellows are instigators, you are trouble makers. And that you have been making noise with the other people in the Institution and causing trouble. So, in other words, what is happening is that they have given their opinion on us already. We have no say. We can say that there is not going to be any problem or nothing. We are still locked up for that period of time.

It's just the last week, as a matter of fact, the Warden gave us our privileges back.

Q Are prisoners allowed to have any voice in what area they go to? Like to a wing or Segregation Area or the North Wing?

A No, you have no say. I mean, if you are coming in the Institution, you are doing time and they may say, well, you have to go to the North Wing. I mean, that's normal.

Q But if a person requested to go to another wing, say he was in the East Wing and he didn't like it there and he wanted to be in a smaller cell in the North Wing.

A I think that, you know, I think if there was some difficulty or something, I think they would let the guy go. I think they would.

Q Have you got anything else that you can tell the Commission?

A There is one thing I would like to mention, is that it seems that a mountain gets made out of a molehill sort of thing in the Institution. When something happens, the guards - I shouldn't say the guards, the Administration, automatically when something happens in the Institution, like these assaults that took place in the Institution regarding Collymore and myself, right away they sort of make a mountain out of it. You know, this was a big thing for them. And it has caused a lot of frustration for Wayne and myself.

Now, I am not saying that we are goody goodies. We cause a lot of trouble ourselves due to the prisoners, they don't quite get along. And when they don't, we have to resort to violence. We have to resort to violence, to be honest.

Now, what I mean by "violence" is, we don't go out and hurt some guard or anything like that. We try to sit down and say to the guard, "Look, you have promised us these privileges for a considerable number of times. You promised us this and that and nothing is done." They just tell us to go through the proper channels. So, we go through all the proper channels and we go through this and that and we do it and we go through all the proper channels that there is to go through, you know and after five or six weeks a guy gets a bit tired of doing that, you know.

Q Now, I take it you are telling us that not only in your case but in other cases, promises are made to prisoners which are not kept and this just frustrates the prisoners involved. Is that correct?

A That's correct. There is a lot of problems like that, you know. It's getting to the point where the Warden is getting to be called "Promising Jackson", you know and that's the truth of it. It just seems that nothing is getting done in the Institution.

I mean, sir, there are lots of problems they have and it works on both sides of the fence, mind you. But, you know, you have got to start treating people equally in that Institution. There is no equalism (equalization) in that Institution. You know, some people get treated a little different

know. But, how do you get a point across?

Q Perhaps I didn't ask that question the way I should have, then. It's true that in some cases you are going to expect that the guards are going to have to use some force when force is necessary. Is that correct?

A In certain incidents?

Q Yes.

A I will go along with you in certain incidents, but not in all incidents.

Q And in some cases the inmates themselves, when they're housed in the Institution are going to be using force against each other. Isn't that correct?

A I don't follow you. What do you mean use "force" against each other?

Q Well, have you ever been involved in an occasion as a witness or otherwise where one prisoner has had force used against himself by other inmates?

A Have I been a witness?

Q Have you seen something like that?

A Where someone has used force against another inmate?

Q Yes. Do the inmates fight with each other the odd time?

A Well, there is the odd time when there is the odd fist fight.

Q And that happens once in a while, doesn't it?

A A fist fight, yes, it does.

Q And the fact is that there is as much force used among

the inmates as there is between the guards and the inmates. Wouldn't that be fair?

A No, I don't think so.

Q Is there more force used by the guards?

A I would say in the last little while there has been a little more force used by the guards than by the inmates.

Q Have you got any particular instances of that?

A Yes. The Collymore incident. Collymore had criminal charges laid against him for apparently hitting a guard. But, Collymore wanted to lay charges against the guard for hitting him and it was sloughed off..

Q Are you talking about the incident where Collymore was brought past your cell?

A I beg your pardon?

Q Are you talking about the incident where Collymore was coming by your cell and he got into an altercation with a guard by the name of Andrews?

A That's correct. And another incident where there was force used in the church to hold Collymore back.

MR. PEACOCK: Those are all the questions I have. Thank you.

MR. MEURIN: No questions.

EXAMINATION BY THE COMMISSIONER:

Q Mr. Schimmens, this incident that you mentioned before about this force on Collymore; had Collymore knocked the guard to the ground first?

A No.

Q He hadn't?

A The guard pushed Collymore into my bars. Collymore fell into the bars. Wayne turned around and pushed that officer back and told him to, "Keep your hands off of me, pig." The guard said, "Why", and grabbed Collymore again and shoved him again and then the guard was struck.

Q And that's when he was knocked down?

A He was knocked down, yes. But, then if I grab somebody -

Q That was the incident you were referring to or one of the incidents involving Collymore you were referring to?

A Yes. And there was another incident in the church.

THE COMMISSIONER: All right, thank you very much. I wanted that clear in my own mind. Anything arising out of that?

MR. SCOTT: No, thank you.

MR. PEACOCK: Thank you, Mr. Schimmens.

As I advised this morning, we have left it up to Mr. Macdonald and Mr. Scott as to who would be called from the inmates. I believe that those are the only three inmates that they propose to call and if that is the case, we will press on unless Mr. Scott has other plans.

MR. SCOTT: That is correct, Mr. Commissioner. Those are the only three inmates that will be called. I might add that many of the inmates that have given testimony in this Inquiry are not available as there was

a substantial number of them that have been transported to other institutions and only very few of them were available to be brought to this Inquiry and it's my understanding that the members, shall we say, the ad hoc committee that was formed of the inmates, at your intervention as a matter of fact most of them were not available in view of the fact that they had gone to other institutions or to work camps.

MR. PEACOCK: Perhaps I can comment on that.

If there are other witnesses that Mr. Scott or Mr. Macdonald wish to call who are of the committee, my understanding was that Mr. Spooner was a member of this group who discussed matters with Warden Jackson and Mr. Roberts. If there are any other inmates that are to be called, arrangements will certainly be made to bring them here. I don't think that this is a physical impossibility. I gather some of them aren't here now.

MR. SCOTT: We will not be calling any further witnesses.

THE COMMISSIONER: Just the three, Rocheleau,
Collymore and Spooner?

MR. MEURIN: Spooner and Schimmens.

MR. SCOTT: Schimmens, not Collymore.

MR. PEACOCK: Schimmens, Spooner and Rocheleau.

THE COMMISSIONER: Yes.

MR. PEACOCK: If that being the case, sir,

we will press on and I would like to call at this time
Mr. Pinkman, please.

FRANCIS EDWARD PINKMAN, having
first been duly sworn, examined by Mr. Peacock, testified
as follows:

Q Mr. Pinkman, what is your occupation, sir?

A I am a school teacher.

Q How long have you been a school teacher?

A I have been a school teacher for 20 years.

Q Where are you presently employed?

A I am presently employed at the Calgary Correctional
Institution.

Q How long have you been employed there?

A Just over five years.

Q Now, in your five years experience at the Institution,
what have your duties been?

A My prime duties are to man the school room and tend to
the educational requirements of inmates who wish to
further their education.

Q And this is what you have done over this five-year period
of time?

A Yes, sir.

Q Now, are you regarded around the Institution as a
Correction Officer?

A No, sir.

Q I take it you are not regarded as an inmate?

A No.

Q Does that position that you hold in essence make you independent of the guards insofar as the inmates are concerned and as far as you can see?

A I feel that it does, yes.

Q Do you mean that the inmates are prone to discussing things and confiding in you in various areas?

A Generally they do, yes.

Q How about the guards; do you maintain a good relationship with the guards?

A I feel I do.

Q Your position there would in essence be a unique one, would it not?

A It would, yes.

Q As a teacher in over your five years experience, in bearing in mind that you have had access to both sides of the picture, would you be able to tell us if you have observed or have been able to form any conclusions on physical treatment of prisoners by any of the staff at the Institution?

A I have never personally seen any violence or excessive use of force by an officer against an inmate. And secondly I have never had an inmate complain to me that any officer in the Institution used excessive force or violence against him.

Q Now, when you have discussed this with the inmates, I am going to be specific - have you had any of the inmates ever complain about excessive use of force or

violence used against them by Assistant Deputy Warden Schlegel?

A Certainly not, no.

Q Have you heard any comments about the way he has treated the prisoners, specifically?

A Not that I can recall. Although I do know that many of the inmates in the shoolroom, generally those who are younger than the average inmate population, regard Mr. Schlegel with a considerable amount of respect. They respect him as an officer who has quite a few years of experience in the correctional service and they respect his judgment.

Q Have you ever had discussions with Mr. Schlegel about his view towards the running of the Institution or the way that these prisoners should be treated?

A I have, yes. On an informal basis.

Q What are these in essence resulted in?

A Well, Mr. Schlegel is one of the officers who, perhaps more than most, has a personal concern with the problems of the younger inmates, particularly those between the ages of 16 and 21. Of all the Assistant Deputy Wardens, he has shown, in my estimation, the greatest concern for their welfare and their education. And he makes it a policy to see me quite regularly and frequently about some particular inmate who he thinks should be in the schoolroom and I think this is to his credit.

Q Have you had any of the inmates ever complain about

excessive abuse from an officer by the name of Mr. Addinell?

A No.

Q Have you ever had any of them complain to you about abusive treatment by an officer by the name of Mr. George?

A No, sir.

Q Have you had anyone complain to you in your discussions with the inmates, general complaints about abuse or maltreatment by a gentleman by the name of Mr. Cater?

A No, sir.

Q Have you heard any of the inmates at any time complain about the general abuse by Assistant Deputy Warden Merriam?

A No.

Q Are you able to assist the Commission in telling us if you feel there is any excess tension in the Institution, any reason why there would be an abnormal - the confrontation between guards and inmates at this stage and if you can see any of those sources, do you have any solution to them?

A I would say that since my return after the summer vacation, as a teacher I get July and August as a vacation. Since my return in September, at the very beginning of September, I could detect a feeling of heightened tension within the Institution, about among the inmates and among the officers, and I ascribe this feeling of tension to the difficulties and trouble

that transpired during July, I believe.

Q Do you feel that this Inquiry itself may be responsible in part for any increased tension at this time?

A Perhaps, but only to the degree of a sort of an anxiety as to how long it would take and how soon it would be over.

MR. PEACOCK: I believe those are all the questions I have. Would you answer anyone else that has questions, Mr. Pinkman, please..

EXAMINATION BY MR. STILWELL:

Q Do your duties, as a teacher include assisting staff members with their education?

A It does informally.

Q But can you elaborate on that to any extent?

A Yes. In each year since I have been teaching at the Calgary Correctional Institution, I have had an approximate number of about 12 officers approach me during each year, asking my advice and suggestions on how they could obtain a high school diploma. I have been quite willing and have been happy to provide them with all the information and assistance that I could give them.

Q And has that in fact come to pass?

A Yes. Several officers have, I believe, completed their high school diploma.

Q What has been the attitude of the officers with respect to the top administration of this Institution regarding their advances in their education?

A I found a very peculiar thing happened. Approximately half of the officers who approached me for advice, assistance, and perhaps a little bit of help with their work, their assignments, approximately half of them expressly asked me not to reveal to the administration of this Institution or indeed to the administration in Edmonton that they were in fact attempting to complete their high school education. And I thought this was rather peculiar, of some of the officers who asked me not to, depending on the fact that they were attempting to improve their education. I asked them why they did not want me to say that they were, because I would assume this would be to their benefit and that the administration would be quite happy about this. And I was surprised to find in some instances where the officer where the officers said that they felt this would not be to their advantage, but conversely it would be to their disadvantage that the administration may find or feel that they were overly ambitious and perhaps were going for better things.

Q And has the Department of Attorney General shown any interest in assisting correctional officers in completing their high school requirements?

A Not that I am aware of. I understood that approximately four or five years ago there was a feeling that perhaps the Attorney General's Department might pick up half of the tab for the cost of the various courses that they

were taking, but I understand that this did not in fact materialize and the officers involved paid the full cost themselves.

Q Are you aware that at Mount Royal College in Calgary, there is a two-year program leading to a diploma in Corrections?

A Yes, sir, I am.

Q And to your knowledge, has any member of the staff at the Calgary Correctional Institution been given an opportunity to enroll in this course?

A To the best of my knowledge no officer has been able to obtain educational leave or any other sort of absence in order to attend this two-year program on a full-time basis. I understand that arrangements have been made for one or two or perhaps more officers to take a few classes during the day or during the evening by having their work schedule changed to accomodate the time of the various clases. But, I am aware that about four or five officers have applied for educational leave and in order to take advantage of this unique opportunity of completing a two-year course in correctional work, and I understand that they were not successful and had to resign in order to take up their studies.

Q I take it that applications would be made to the authorities in Edmonton and the refusal would come from them?

A I believe so, yes.

Q How about you, yourself; have you had any experience in applying for educational leave?

A Yes, sir, I have. I applied this year on May the 14th. I sent my first letter to Mr. Osmond, who is the Superintendent of Correctional Institutions, formally requesting that I be granted an educational leave in order to attend the University of Calgary so as to complete a Master's Degree in Education.

Q Would you be one of many with those qualifications if you succeeded?

A I think I would be unique in the Province because, to the best of my knowledge, there is no civil servant or Provincial civil servant who has a proposed graduate qualification in Educational Rehabilitation or indeed in any sort of Correctional Rehabilitation. I offered myself as a potential candidate for such a qualification and I was very surprised that my application was rejected.

Q Well, on what grounds was it first rejected?

A It was originally rejected on the alleged grounds that there were budgetary restrictions or budgetary restraints laid down in March or on March 30th, 1971 by the Department of the Attorney General, Mr. Samuel Friedman and Educational leave became a third or final priority in the expenditure of funds for this sort of thing.

Q Did you later receive another explanation?

A Yes. I pursued the matter further, because I thought that this excuse was a rather shallow one, for one thing.

The memorandum of Mr. Friedman applied to the '71-'72 fiscal year and we were now in the '73-'74 fiscal year and I appealed to Mr. Lee who was the Director of Corrections, asking him to reconsider my application and pointing out that it would be a unique advantage to the Civil Service to have somebody of my qualifications take advantage of this program. But, again in his reply, he said that he did not feel that a teacher at the Calgary Correctional Institution needed any qualifications further than a B. Ed.

Q So it appears that there is a considerable gap in the Department of Attorney General?

A It would seem to be because I went a step further and got in touch with the Department Minister, the head of the Attorney General's Department, a Mr. McLean and pointed out that I thought that my request should receive the very highest consideration and would he not intervene himself. In a telephone conversation to me, the early part of September, he said that he personally sympathized with my position and he thought it would be a very good thing if I obtained that degree, but unfortunately his hands were tied by a decision which has been conveyed by Mr. Lee, the Director and he thought or felt that he could not overrule this decision.

Q Incidentally, what are Mr. Lee's qualifications for his exalted position; do you happen to know?

A Frankly, sir, I don't know. I understand that he has

his Grade XI.

Q And that he was a former Mounted Policeman?

A I believe so.

Q Now, have you ever heard of the Magrath Report?

A Yes, indeed I had.

Q And can you tell the Commission briefly what the Magrath Report is?

A Well, the Magrath Report essentially outlines a program for the improved rehabilitation of inmates sentenced to correctional institutions.

Q Has it ever been implemented in any way in Calgary, either in part or in whole?

A If it has, I'm not aware of it.

Q Was reference made to it in the last few years by the now Premier of Alberta?

A Yes, indeed. Following the disturbance or the escape of a number of prisoners in 1969, the Premier, he was then the leader of the Opposition, Mr. Lougheed, visited the Institution and after his visit to the Institution he held a press conference and at this press conference he said that as leader of the Opposition he would press for the full implementation of the Magrath Report.

Q And I take it that the idea sank without a trace?

A Apparently.

Q And he has now been Premier for two years?

A Yes.

Q What is your impression of the rate of staff turnover at

the Calgary Gaol?

A I don't know what the precise figures are, but during the five years I have been there, I have been surprised at the number of officers who have come and gone, especially the younger officers who might very well have made correctional work a career.

Q In your impression, which is not based on a statistical analysis, it is from that turnover?

A It seems to be so, yes.

Q Now, one final thing; would you discuss for me please the budgetary allotment for text books at the gaol.

A The allotment or actually there is not a specified amount of money set aside for the purchase of text books in the schoolroom. I understand that the money which is spent on books comes out of the stationery account or some similar account. But, it runs to approximately \$150.00 or \$160.00 per annum.

Q Total for a year?

A Yes.

Q How does this compare with certain other expenditures that you might think of?

A Well, I can think of the expenses that have been involved with, such things like Christmas concerts, where I understand the amount of money spent on the rental of musical instruments has often been twice and three times the amount of money spent on school textbooks.

MR. STILWELL:

Thank you very much.

EXAMINATION BY THE COMMISSIONER:

Q Are there any guitars in those musical instruments?

A Yes. I understand that in fact one year the strings on a guitar were broken and the cost of repairing the strings came to approximately \$150.00, which was approximately the same amount of money spent in a school year on textbooks.

EXAMINATION BY MR. PEACOCK:

Q I wonder if you know what percentage of the inmates can read?

A The percentage of them that can read?

Q Yes.

A Music?

Q No. I meant textbooks.

A I would say we have a functional illiteracy of about perhaps 2%.

Q Do you teach these inmates courses from all grades of school under the Provincial Educational Program?

A I do.

Q So that you could potentially cover anywhere from Gade 1 to Grade 12 in your program?

A I do, yes.

MR. PEACOCK:

Fine, thank you.

EXAMINATION BY MR. SCOTT:

Q Are you hired by the Department of Attorney General or by the Department of Education?

A I am hired by the Attorney General's Department.

Q I see. Now, how many people would you teach in a year?

A How many do I teach?

Q Yes.

A I have an average of 150 students in the classroom during the school year. This is a total, assuming of course and it would include all those students who are physically present in the school and taking a particular course between September and the end of June. The average attendance in the classroom - well, it's difficult to talk about the average attendance because it fluctuates. Usually in September we have approximately 10 students attending each day in addition to about six or eight, perhaps who are not attending, but taking courses and they are at camp and in the various wings of the Institution. Our high point for attendance is January, February and March when we have up to about 22 students attending the schoolroom.

Q That would be attending physically in the classroom?

A Yes.

Q And approximately 150 students would become enrolled in some way or another during the year?

A Yes.

Q Could you give an estimate as to how many people would achieve the goal that they set out to achieve? That is, pass a course or do whatever they're intending to do?

A I can only give, say, with certainty of those students who begin a course and complete it while they're at the

Calgary Correctional Institution and I'm happy to say that the results are extraordinarily good. We have a pass rate of almost 100% in the various courses that are taken by inmates and completed by the inmates while they're in the Institution. Now, I have to point out that a considerable number of inmates do not in fact complete the courses in the Institution. They have already been released, but I have no way of knowing how successful they were, but I can only speak of those inmates who took courses under my direct supervision.

Q Of these people that take courses, is there a high dropout rate or do most of them continue on up to the point where they either succeed in their endeavours or else in being released from their incarceration?

A I'm afraid there is a rather high dropout rate. Anywhere from a third to a quarter.

Q Are the inmates encouraged at the Institution? I mean, actually encouraged to attempt to take, other than by yourself, and I'm sure you are encouraged about it, but other than by yourself, and you mentioned Mr. Schlegel specifically, but generally are they encouraged to enroll in the school and further their education?

A Yes, indeed they are. We have a classification committee which interviews almost all the inmates and possibly all of them. And when it comes to the attention of the classification officers or the people who are sitting on the Classification Board, a student might

profit by taking courses and completing his high school education, he is invariably referred to me and I can say with confidence that many of the officers of the Institution have a real interest, especially in the younger inmates, that they complete their education and they will informally suggest to them or advise them to come to see me and see if they can work out some kind of an educational program.

Q Now, do you feel that the facilities that are available at the Institution are adequate and everything, the purpose for which they were intended to do?

A I think that given the facilities of the Institution and given the facilities or the nature of the people, the inmates that we have to contend with, I think the facilities are reasonably adequate.

Q Other than the amount of money that is spent on textbooks?

A Yes.

Q Now, you are there and you have stated that you are an independent observer. And you have also stated to Mr. Stilwell that there is a large turnover of guards and I don't want to go into a monologue, but it was my impression that you felt that the guards were not encouraged to improve themselves and become better correctional officers. What is your general opinion of the quality of the people that work there on the guard level? Are they people who just go in and, you know, just go through a phase of employment or what type

of people are they? Are they good?

A They are - retracting a little bit, may I go back further to a point that you mentioned first. I would not like to give the impression that officers are discouraged from completing their education. I merely made the point that some officers who approach me with questions concerning how they might best complete their high school. Some of those officers asked me to respect their confidence and not tell the administration, either local or in Edmonton, that they were in fact attempting to complete their education. Now, to come back to your last point: the quality of the officers, frankly I'm not in a very good position to say whether or not the officers of one institution are any better than the officers of another. I am a school teacher. I am not first in correctional institutions or practises, but I would say this from my personal experience of the officers at the Institution, I have found them to be good men, conscientious men who took their responsibilities seriously and I have been particularly surprised and pleased to find such a large proportion of the officers who had a genuine concern, particularly for the younger inmates.

Q Now --

A If I may just take you up and proceed on this point. Mr. Schlegel's name has been mentioned many times. I think I should explain to this Commission that Mr. Schlegel's interest in the younger inmates has been remarkable to this degree that when he has found an inmate who is

indigent and who has no money in his account and who possibly has no close relatives or friends, and I am thinking particularly of an inmate who perhaps has come from New Brunswick or Nova Scotia - and he has found that this lad has no money or had no money to buy chocolate bars or candy or various hobbies, Mr. Schlegel has told me that he was willing to put in a dollar or so out of his own pocket into this inmate's account so that the inmate would be able to purchase candies and chocolate bars. Now, you must remember that some of these inmates are 16½ and they still have a sweet tooth and they still like to get chocolate bars.

Now, I felt embarrassed when Mr. Schlegel confided in me that he was about to do this because I do have a little more money than he does and I would say to him on these various occasions, "Look, Mr. Schlegel, it's not right that you should put that dollar of your own money in. Let me join you and I will put in another dollar of mine and we won't tell the inmate the source of the money", but it was let known to the inmate that he now had a little bit of money in his account and he could buy chocolate bars. Now, he is the only officer that I know who has done this. There may have been others, but I think I should mention it because I know that Mr. Schlegel has come in on numerous occasions. I have the names of the inmates and the approximate times when this was done because I

was there and I went 50/50 with him on this matter. And I thought it's to Mr. Schlegel's credit and I think this should be mentioned.

Q And just in conclusion now, you run a school that has approximately 150 inmates over a year. Do you feel that the facilities at this Institution are adequate and the programs are adequate to keep inmates occupied, and are these facilities available to inmates or do you feel that inmates are not taking advantage of the facilities that are available to them? There has been complaints heard by inmates that they have basically nothing to do and that is in itself as a contributory element to the tension that is apparently there at the present time and to the problems that this Commission has been dealing with. Now, do you feel that the facilities are in fact there but that the inmates are not using them or in actuality there really isn't enough for them to do?

A Well, certainly there are facilities available to the inmates and there are a number of things that they can participate in. Because I am always directly concerned with education, I would have to point out that the educational facilities are freely available to the inmates at no cost to them whatsoever. And that they are given every encouragement and every facility that if they wish to pursue a course or any other kind of a course. Even if they wanted to read a good book,

I will see to it that they will get a good book to read.

MR. SCOTT: Thank you.

EXAMINATION BY MR. MEURIN:

Q Sir, I believe -

THE COMMISSIONER: Mr. Stilwell.

MR. MEURIN: Oh, I am sorry.

MR. STILWELL: I am sorry to interrupt. May I hand this report prepared by the witness for 1973, for the year ending March 31st, 1973. I thought I would just have him identify it and perhaps it could be marked as an exhibit.

A Yes, this is my report or the educational report for the year 1972 to 1973.

MR. STILWELL: May that be the next exhibit in order, sir.

THE CLERK: Exhibit No. 57.

EXHIBIT 57 - EDUCATIONAL
REPORT FOR YEAR ENDING
1972 - 1973.

Q MR. MEURIN: Sir, I believe you indicated that you have never witnessed an incident of physical mistreatment by a guard on an inmate and you have never had an inmate complain of that. I am putting you into the theoretical position that if this happens, do you feel that you would have difficulty in securing access to the Warden's office?

A Not at all. In fact I think or I believe I would go

straight to the Warden's office and complain most vigorously about this. I have in fact drawn the Warden's attention to minor little problems with respect, perhaps, to glasses or the wearing of shoes and minor things that inmates might have brought to my attention, and I have gone to the Warden and told him about it. So, if there was any instance of brutality, or an inmate complained to me about any pressure or strong-arming by anybody, whether he was an inmate or officer, I think I have - I am independent enough and strong enough determined that I would go to the Warden and report it immediately, because I would not, as a teacher, condone this sort of thing.

MR. MEURIN: I have no further questions.

THE COMMISSIONER: Thank you very much, sir.

MR. PEACOCK: I wonder if we might take a 10 minute adjournment, sir.

THE COMMISSIONER: Yes.

(Brief recess).

MR. PEACOCK: Call Charles Boughton, please.

Mr. Commissioner, this is the second, I believe, of three witnesses that Mr. Stilwell wishes to call. Another witness, I believe, is ill today and we will have to reconvene Friday.

MR. STILWELL: This is the first of my two witnesses.

MR. PEACOCK: Oh, I am sorry. I gather the last witness was mine.

CHARLES ALBERT BOUGHTON, having first been duly sworn, examined by Mr. Stilwell, testified as follows:

MR. STILWELL: Mr. Commissioner, this will necessarily take a little longer than I usually take with a witness, but it won't run past the time that we ordinarily adjourn.

Q You are a Correction Officer 2 with the Calgary Correctional Institution?

A Yes, sir, that's correct.

Q How long have you been on the staff of that Institution?

A 15 years next month.

Q You started as a C.O. 1, didn't you?

A Right, sir.

Q Now, I will come directly to the point, Mr. Boughton; let's talk first about the staffing problems, if there is a problem or to put it more directly, let's talk about the discipline position of the staff. What is the normal establishment on each shift? What is it supposed to be?

A As of now it's supposed to be 22 men to each shift.

Q And how are they disposed?

A According to the Deputy Warden, and these are disposed in the guardroom area, your North Wing, cell block, East, West and South Wings, also paroles, outside paroles.

Q And I take it that the evidence we previously heard, namely that there should be two men on duty in each

wing at any one time and this is the normal rule,
is it?

A That's right, sir. This has been the rule. A year ago, I think this ruling was still on file in the cell block.

Q Is that rule in fact followed?

A Pardon?

Q Is that rule followed in practise?

A It hasn't been followed for many years, sir. It calls for two men in each wing and I can't remember the last year that we had this as two men in each wing.

Q Is there any reason for that, that you know of?

A Shortage of staff is the only reason, sir.

Q Now, I am looking at a table here which indicates that although there are 93 C.O.I.'s on the staff, in fact 18 of them are not available at any one time.

A That's right, sir.

Q Without going into the exact numbers, can you explain why that should be?

A They have used these Correction Officers to cover in different departments, i.e., censoring mail, gymnasium, your clothing store, kitchen supervision, outside work parties which takes 18 of our staff away from our usual establishment that we are allotted for. And these are not refilled for us to handle the job on the floor as security officers.

Q I am showing you a table which purports to set out the

disposition of staff and showing that there are 18 C.O. 1's unavailable and two C.O. 2's in fact that are not actually involved in the day-to-day duties of the wing and so on.

A No, they're not, sir.

Q Would you look at this piece of paper, please, and tell me if it's correct?

A This is right, sir. This is the disposition of it except for the seven vacancies. I'm not quite certain of that myself.

Q In addition to that, you do have certain problems at the end of each shift. That is to say, not the end of each shift, but when a man's shift changes. You have changes called a "short-change", for example. Can you explain how that works?

A Yes, sir. We rotate shifts every 28 days. Now this is for days, afternoons and midnights. When you come off a midnight shift, you go home at twelve o'clock midnight and you leave the gaol at twelve o'clock. Or the Institution, sorry. And you have to be back at the Institution at eight o'clock in the morning.

Q The same morning?

A The same morning.

Q So you put in 16 hours on that day?

A That's right, sir.

Q What effect does this have on the officer?

A This has a great effect on the officer. He is unable

to carry out his duties as he should do because he doesn't have the right relaxation when he leaves his shift. This is not that bad, but the worst one, sir, is the midnight shift and then onto the afternoon shift, which you go home, you leave the Institution at eight o'clock in the morning and you have to be back on shift at four o'clock in the afternoon that same day. And if you have tried to sleep in the daytime, that's pretty hard.

MR. STILWELL: May this be marked as Exhibit 58, I think.

THE CLERK: Exhibit 58 is correct, sir.

EXHIBIT 58 - TABLE OF
STAFF BREAKDOWN AS DESCRIBED.

Q MR. STILWELL: Have you found in practise that a man is left in a wing for a long enough period to really become familar with what is happening in there?

A This, sir, was a practise at one time, that they used to have a man in charge of each wing. This is only when we had the West and East Wings at that time. We had two men slated, one for the East Wing and one for the West Wing, station men on dayshift and also on afternoon shift. This made it a lot easier for correctional officers. He is a man spending his time in each wing and being in charge of it. He gets to know every inmate in his wing. He knows all their dispositions. He knows their moods. He knows which ones to watch for any problems coming up. He can also talk to these men a lot

better because he understands their problems and what is going on in the wing.

Now, as it is today, you are in a wing today and tomorrow you are in another wing and the next day you are in a different wing. You do not get to know these men and this creates quite a problem in the wing, too.

Q Now, do you think that if the officers were enabled to get to know the men better, that it might head off trouble before it actually began?

A Definitely, sir.

Q Are you familiar with a little gray booklet of rules about four inches by five that you see around the Institution?

A Yes.

Q I believe that there's the date 1955.

A That's the last one I have seen, sir, is 1955. I haven't seen any change since then.

Q Are those rule books still current. I mean, are they still lying around where guards can read them?

A I haven't seen one for years. I couldn't tell you.

Q Have you been supplied with a new set of rules since that book came out?

A No I haven't, sir.

Q When a person comes to work there as a correctional officer, is he given a printed set of rules and told, now, here are the rules of this Institution and this is what we are governed by?

A Not that I am aware of, sir. I have never seen it.

Q How does a guy find out what the rules are when he goes to work, then?

A Well, this is it. There is no real set of rules that you can follow because these rules are changing from day to day which makes it hard for you to follow the rules. This is one thing that should be laid down actually is a definite set of rules for each individual to follow so that he knows just what the rules are and what the inmate can do and what they can't do. Also this goes for the inmates as well as the staff.

Q Yes, that was my next question. Was a set of rules given to the inmates so that they would know what the rules are?

A I don't think they are except when you ask the officers when they come into the gaol.

Q Would this happen or would I be putting it too strongly to say that there is some doubt or some ambiguity in the members of the officers and the inmates as to what the rules are really on, on any one day?

A Oh, yes. There is quite a bit of doubt in it, sir.

A lot of times you don't actually know what to tell an inmate because you don't know whether this rule is in effect or not.

Q One of the complaints that you have heard over and over again within the Inquiry and outside of it is this; now I'll state the complaints as I have heard them and

I will ask you to give your own feelings about it or your own experience about it, I should say, and it's this; the guards say that when they put a prisoner on charge, that they might as well not or that they're just wasting their time because he is right back in the wing laughing at them the same day or within a few hours or a few minutes.

A This is generally the feeling, sir, yes.

Q Does that represent the way the guards feel about it?

A That is right, sir.

Q And what result has that had on the way they do their work?

A Well, when you are doing a job or trying your best to do a job and you charge a man and he is not taken up or put on punishment, the punishment doesn't matter. I also think that when an inmate is taken to the Warden's Court, that the officer that charges this inmate should be in the same Court with him.

Q Is this not done?

A No, this is not done that I have seen for quite a few years now, sir.

MR. STILWELL: Mr. Commissioner, I wonder if you would order the audience not to cough until the conclusion of my examination.

Q How does the officer find out what happened in the Warden's Court?

A From the inmate as to what happened or a rumour back

from some of the other staff unless one of the officers in the guardroom gets the report back, then he can pass it on.

Q But his side of the story is not heard in Court?

A No, it's not, sir.

Q Now, when the rules are changed or when new rules are implemented from time to time, by what authority are they promulgated and circulated?

A (No answer).

Q In other words, if there is a new rule brought in today, how do you find out about it and what form does it come to your attention and so on?

A Well, usually there is a memorandum that comes from the Warden or the Deputy Warden's office, a piece of paper which if filed on a master file, as you would call it, in the guardroom or the control room. A lot of these are changed by the authority of the Warden or the Deputy Warden.

Q Who changes them?

A Some of the Assistant Wardens, C.O. 3's have done it. They have changed these rules. There is one rule that I know for sure that we had quite a problem with and this was dealing with Mr. Schimmens, as he was here this morning, that everybody in the Segregation Area would shave by an electric razor and we went down to Schimmens and Schimmens says that he would not shave with an electric razor, that he was promised a safety

razor. We don't know anything about it. We didn't know anything about it at all and I don't think Mr. Jackson knew anything about it, either. Because I checked into it because it was still in the books noted that he will have a safety razor. But, by whose authority it was changed, I do not know.

Q And do you feel that it would be in the interest of safe running of the Institution if rules had to be made and signed by the Warden or his Deputy?

A I certainly do, sir.

Q Now, one of the things we heard today was rather upsetting, was the allegations made by the prisoners, and apparently they feel very strongly about it, that when they file these requests to see the Warden, that these things do not get to the attention of the Warden. Now, let's start at the beginning; there is a standard form, a request, isn't there?

A That's right, sir.

Q Now, what is your experience with those? First of all, as far as you know, when a prisoner signs one of those, does it get to the Warden?

A These requests are brought into the control room or the guardroom and from there they are sorted into alphabetical order and they're turned over to the Classification Officer. This is for his distribution of where they're going to go. From there I couldn't say where they go.

Q Let's talk about the guards. One of the prisoners said

this morning that the guards throw them in the garbage.
What is your experience on that?

A No. I have never seen them do this in no way.

Q Are you satisfied that they get as far as the Classification Officer?

A I am, sir, yes.

Q And after that you just don't know?

A After that, I don't know where they end up at, sir.

Q Are you satisfied that there is a proper feedback to the prisoner once he has filled out one of these requisitions or requests, I should say?

A No, I don't think so. There is lack of communication there back through. I know I have experienced this in trying to find out answers and I have had quite a time trying to find out. And most of the time I have to go either directly to Mr. Jackson or to Mr. Stanton to get an answer. To really get an answer. Nobody else seems to know what the answer would be or what answer to give to the inmate.

Q Now, there are three levels of Correctional Officers, aren't there? There are 1, 2 and 3?

A That's right, sir.

Q And after that is Assistant Deputy Wardens?

A Assistant Deputy Wardens, right.

Q Now, do you know what the policies are respecting promotions? Is it based on seniority or based upon examination or what is it based on?

A Really I couldn't say, sir. I have put in for quite a few of these myself on different occasions and I have always seemed to get a letter back from Edmonton saying that my request is being considered, but at this time I am not qualified for this job or position. But, still in a matter of, maybe, two, three months a C.O.2, say, he puts in for a C.O.3 and he was ill and they would call me out and they will say, "Will you take the C.O.3's duties over."

Q So you did work under his title?

A I did work under his title.

Q Have you seen the examples of promotion within the Institution that seem to conform with any set of rules?

A That's right, sir, I do.

Q Without mentioning any names, would you give us an example?

A As officers starting, say within 18 months to two years, they go from a Correction Officer 1 to Assistant Deputy.

Q Within a space of a couple of years?

A Yes.

Q Now, it has been mentioned over the course of this Inquiry that the day passes and day paroles have been a source of quite a bit of tension and frustration on both sides. Could you give us the attitude of yourself and your colleagues on this question of day passes. The effect that it has on the running of the Institution.

A Well, it has quite an effect on them. It seems to be

running in the line where mostly it's always the same inmates that seem to be getting these passes. Some of the fellows do put in for it and they don't get it. They complain about it and this causes quite a dissention. Myself I would like to see them cut it out altogether except for sickness or death in the family or something like that, where they have to be given.

Q Is that because of some personal feeling of yours or because of what you regard it as its effect on the running of the Institution?

A Well, it is my personal opinion, sir.

Q Has there been any change in the day-pass policy in the last couple of years?

A Yes there has, sir.

Q Can you explain.

A We have now a three-man committee that sits. They sit on this committee and they have it each week where a different wing puts in applications for day passes. All these names are then taken and they are sitting in at the Deputy Warden's office, a three-man committee and they have each inmate up, talk to them and then they recommend who gets the passes and who doesn't.

Q Are passes harder to get or easier to get than they used to be?

A They're harder now with the committee, sir.

Q When did the change take place?

A Right offhand I couldn't say, sir.

Q Do you know whether if it was a directive from Edmonton?

A Yes. It was a directive from Edmonton in the change and that is the way they did change.

Q And do you know if it was connected with the tightening up of the paroles on a national level?

A I am not quite sure of that, sir.

Q Now, what effect does it have on the other inmates when they observe or when they think they observe that certain ones are being favoured?

A It has an effect on the morale of the inmates.

Q Do you think it has any indirect bearing on the troubles that happened this summer?

A Not indirectly I wouldn't say, sir.

Q Do you think it has any bearing at all?

A Oh, it has a bearing, yes.

Q In what way?

A In the way - I don't know how to put it. I just can't find the words to put it in.

Q Well, do you think it's contributed to the heightening of tension in the Institution?

A Well, that's for sure. That's for sure.

Q What do you think about traffic, inmates going in and out of the Institution every day. What effect does it actually have on your job and the way you have to do your work?

A In what way, sir?

Q Well, does it create any problems for you if you have inmates going on day passes and coming back in again?

A Well, it creates quite a few problems. The tension of the other inmates, but not only that, but because of the counterbrand they have, you have to watch for them coming back with i.e., drugs and stuff like that, that they bring back when they do come back.

Q Is this fairly common?

A There has been occasions of it being brought in. They're searched, but it's being short-staffed and being rushed and it's pretty hard to search everyone coming back when you haven't got the time.

Q Now, turning to the question of security, that is to say the different levels of security within the Institution.

A What is that, sir?

Q The different levels of security. You have got your West Wing where you got 80 or so prisoners and then you go all the way down to the meditation cells which is probably the most secure place in the gaol. Is that right?

A Yes.

Q But no one stays in the meditation cells for any length of time?

A No they don't, sir.

Q So that means your Segregation cells would be the most secure part of the Institution that is actually being used?

A That's right, sir.

Q What do you do with a guy if you put him in there and he is still a source of trouble?

A We don't have any other place to put him. We have to put him in there and if he gets radical down there, then we have to move him back upstairs into the cell block as some of these inmates, when they get into close quarters, they get claustrophobia from being closed in and then it causes problems and we have got to move them back upstairs into the cell where they're out into the light and when you get them up there, you just can't keep them under the security that you should have as far as his privileges and stuff like this is concerned. You just can't restrict this because the other inmates are in the same wing and they are passing it onto him anyway.

Q So, there really isn't anything that you can do with a serious troublemaker?

A No, there is no place that you can get him away altogether.

Q Can you ship him out to some other place?

A That's about the only other solution to it, sir.

Q And what place have they got to ship him to?

A Ship him to another institution. Maybe he is better off there than he would be here.

Q Do you know if the other institutions have got any higher security than you have got?

A Not that I know of, sir.

Q Do you understand the incentive pay project?

A Yes.

Q Would you explain it briefly?

A Yes. I'm not quite sure how long it has been in effect. Maybe over a year. But, they brought this incentive pay in but actually the levels I couldn't say. Something like \$1.75 and up to \$2.80 to of course some at \$5.25 and this is the highest.

Q Is that a day?

A This is a committee that sits in on their incentive records and through recommendations from the officers, they reclassify them from pay grade 1, 2, 3, 4 and up.

Q Is this \$5.00 a day you are talking about, is this the highest pay?

A A week.

Q A week?

A Yes. It is really \$5.25 a week.

Q And does it depend partly on the diligent application to his duties?

A This is what it is supposed to be. The work he does, his conduct and behaviour around the Institution.

Q Now, when we come to the Institution, I understand there used to be a farm connected with the Institution.

A That's right, sir.

Q And does that still apply?

A No. They had a farm and a dairy but they have closed them both down. We don't have these any more.

THE COMMISSIONER:

Excuse me, what date did

A That was about two, three years ago, I think. Four years ago, maybe. About four years ago. We used to have them working on the farm.

THE COMMISSIONER: Is it four or five, Warden Jackson?

WARDEN JACKSON: It was May 1968, sir.

Q MR. STILWELL: So, there is no longer a farm or a dairy today?

A No, there isn't, sir.

Q The outside work consists of what, the carpenter shop?

A No. We don't have a carpenter shop, sir. The only outside work we have is that they do work two to three inmates in the garage. Other than that they have the root cellar, the garden in the summertime and the greenhouses.

Q And they make the picnic tables?

A And they have picnic tables for the Forestry and Parks.

Q Maybe that is what the prisoners call the carpenter shop, then?

A that's right, sir.

Q Then, how does the incentive scheme fit in with the work camps? Would you explain that, please.

A The work at the work camps or bush camps, they are paid \$1.00 a day, the inmates. And they that are out there really do work. They have the work out there and we keep them pretty busy out there which comes to \$7.00 a week. At the Institution they get a man that

goes to Pay Grade 4 and they don't have the projects to work these men at the gaol. Most of them are just laying around or do a little bit of a job that would take them a couple of hours a day and the rest of the time they lay around. They get \$5.25 or the inmate at the camp gets \$5.00 a week to work. Now this makes it hard to go to camp because if they can take it easy and lie around in the gaol and get \$5.25, why should they go to camp and work?

Q Well, has the enrollment in the camp in fact dropped off since the incentive system came in?

A It has, sir. It's not quite as easy to get them to go to camp as it was before this incentive pay came in.

Q And the shoe shop, do you still make shoes in the gaol?

A I think they just down there are repairing them now, as I recall. They don't make them any more. They have taken that away from them. All they do now is repair and they have them sent to the other institution for repairs or to make them. But I don't believe they make them here any more in there.

Q What program exists for the training of correctional officers?

A They have a three-week course in Edmonton for this training of the Correctional Officer 1's. Now, this year they have started it for the C.O.2's, 3's and Assistant Deputies.

Q How did the program come about?

A This came about because of the walkout or withdrawal of officers of the Correctional Institution.

Q Do you mean that was one of the things or demands you were making when you had the withdrawal of services?

A That's right, sir.

Q And that was the result of that?

A As a result of that, yes.

Q And the demand came from the staff and not the other way around?

A That's right, sir.

Q Now, do you wish to make any comments about the adequacies of the training program?

A I have not been on one of these training programs, sir, so I couldn't actually give you a definition of it at all. Just from rumours of what I have heard and rumours can get out of proportion when you get them, too. But I do believe that they should have a better training program for the officer so that you would have better trained staff to handle these situations. I'm not trying to cause any more excessive use of force, but they should have unarmed combat training and they should have gas and riot control equipment. I have been there 15 years and, sir, even if they gave me a gas gun now, I wouldn't know what to do with it. If they gave me a gas billy I wouldn't know what to do with it because I wouldn't know how to use it.

THE COMMISSIONER:

Do you know how to load it?

A I do not, sir. I have never handled it except for carrying it my hand empty and this is the only thing that I would use.

Q MR. STILWELL: Do you think it's possible that there could be even less force used if the men had more training in the use of these things?

A I think the training would give the officers more confidence in themselves where they would know how to handle these men without all this force. The same as your Police Department does.

Q What has been the experience of the officers that have taken the training course; have they found that they are unable to put it into practise immediately?

A That's right, sir. Anybody that has come back from the course that I have talked to, they said they take the course up there as to what they should do when they come back to the Institution but they do what they have to do because they can't follow what the course teaches them in Edmonton. They can't follow up with this training in the Institution as it is today.

Q You mean, if I understand you correctly, you are saying there doesn't seem to be much connection between the training that they have taken and what they actually do in the Institution?

A That's right. It doesn't seem to fit into the work that they have to do at the Institution.

Q Who designed the course, do you know?

A That, I couldn't say.

Q Well, maybe we will find out next week, then.

THE COMMISSIONER: Excuse me, Mr. Stilwell.

Does this three weeks include a person who comes in right off the street?

A No. They are here for a while before they go to Edmonton on the course.

THE COMMISSIONER: I see.

Q MR. STILWELL: Now, we heard somewhere during the course of the Inquiry that at one stage certain people who had been correctional officers were reclassified so that they're not part of the Correctional staff any more. They're as civil employees. Have I got that right?

A Right, sir.

Q Could you explain that, please.

A Well, this is your laundry, your kitchen staff, the gardeners, the horticulturist, your gymnasium staff. These have all been changed into civilian positions and a lot of these positions that I know of haven't been refilled again as correctional officers.

Q So, does this -

A They're still on our staff, but we can't use them as correctional officers.

Q So if you have trouble, e.g., would you feel free to call upon the civilian staff to help you out?

A No, sir. We could not do that.

Q Now, would you make an assessment, please, of the morale of the staff in the Institution and any reasons you can give for that?

A I think the morale is quite bad, sir, in the fact that it shows up in the officers booking off sick. Officers being overworked. Being overworked at their jobs and they're trying to do too many jobs at once. You haven't got the staff to cover, so another officer has to do double duty. You have officers coming in on extra duty on his days off, which he should be relaxing. He is being worked up there and he should need a bit of relaxation himself. And also, when they come back into extra duty like that, they are getting their fellow officers are kind of critisizing them for doing this and this does not help the morale, either.

Q Do you think that the number of sick days booked off is directly connected with the tension that the men are under?

A I believe it is, sir. Quite a bit of it. I know there has been some potential fellows who have booked off, but I know of some officers who are good officers that have never booked off. But, they're getting to that point, where they're doing the same thing themselves. It's just the morale. It just isn't what it should be to carry out your duties.

Q Do you think this morale is directly connected with the feeling that the men don't really know what the rules

are out there? Do you think that's part of it?

A Well, that has a lot to do with it, sir.

MR. STILWELL: Would you answer the
Commissioner or any other counsel, please.

EXAMINATION BY MR. PEACOCK:

Q Are you able to assess whether in fact the holding
of this Inquiry and the publicity that has been
connected with it has in any way affected the morale
of the staff or affected the attitude of the inmates?

A I think it has quite a bit to do with the attitude
of the inmates, sir. There has been a lot of instances
cropping up since this Inquiry has been going on..

Q I see. Now you made the comment that interests
me in connection with the officer putting an inmate
on charge and having him appear before Warden Jackson's
Court, in Warden's Court and I believe your comment was
in essence that the inmate ends up back in the dorm
laughing at the guard who put him on charge. I wonder
if you would be able to assist me and tell me in
addition to reprimanding a prisoner and taking away
privileges, what other possible punishment would there
be that would prevent him from being back in the
dormitory again?

A Well, they used to place them in Segregation for a certain
length of time, sir. Three days or seven days or some-
thing like this, where you would keep him out of cir-
culation for a while.

Q And if the fellow was notorious and a continuous troublemaker, I think you indicated that you can't leave him down there in Segregation?

A That's right, sir.

Q My understanding and you can correct me if I am wrong that the worst thing in essence that could be done to an inmate out there is to take him down and put him in the meditation cells?

A That's right.

Q And the use of these meditation cells was primarily to place a troublemaker in, until he is brought before the Warden?

A That's right.

Q So that the only punishment that the Warden has at his disposal at that time is to put him back into the meditation cells?

A That's right, sir.

Q And otherwise, the only other disciplinary factors would be simply to withdraw certain privileges and put him back into a dorm again?

A This can't be done, sir, because if you put him back in the dorm you can't withdraw his privileges because all the other inmates give him the stuff anyway. So you have got to put him back in the meditation cells in order to deprive him of his privileges.

Q Have you any idea what the inmates' views are towards these large dorms? Do they seem to favour those as

opposed to smaller areas of incarceration?

A No. The inmates, I know they don't like the West Wing. The Wing itself is a big open dorm where they have so many men in it that they just don't like this at all.

Q How about you people; are you of a like mind?

A I don't really care for it myself, sir. I would sooner have it, I think, the East Wing is a lot different. They have there each little cubicle for each man. It gives them that much more privacy that you can't watch them, but it still gives them a little bit of incentive for privileges and not all couped up into one bunch.

MR. PEACOCK: Thank you, Mr. Boughton.

EXAMINATION BY MR. SCOTT:

Q Would you agree, sir, that a lot or that there is really not too much for the inmates to do out at the Institution?

A There is not very much for them to do, no, sir.

Q That for the most of the day, they just lay around with nothing to do, really?

A Outside of a few that go out on work parties in the morning and they're out most of the day. Other ones, they don't have anything to do at all.

Q Do you think that the fact that these people have nothing to do and their minds and bodies are not busy, that that has any contributing factor to the discipline problems that you have out there?

A Definitely, sir. The busier you keep the body, the

happier it is, whether they're alone or with anyone.

Q And would you also agree from the guards point of view that one of the problems that the inmates have voiced is that there just seems to be a communication problem between the inmates and the senior executives or the senior officers within the Institution? Do you think that this is a valid point, that there is just problems of communication up and getting it back down again?

A I believe so.

Q Did you say that often the inmate does not get an answer to his complaints?

A That's right, sir. They don't. There is quite a bit of lack of communication in that respect. They don't seem to be able to get a right definite answer to their problem. I have had this quite often myself, with an inmate asking me.

Q And part of this problem is just simply due to the fact that you don't know the answer. That you don't know the rules and, as you say, this changes from time to time?

A Well, we don't know the answers. We can't pass the answer on unless we know what the answer is.

Q Now, just out of curiosity; as a person who has been with the Institution for many years, do you think in your own mind that some form of inmates committee is a good idea and as a committee, that is a responsible committee comprised of inmates that would be able to

voice complaints and meet with the Institution authorities. Is this a good idea?

A In certain respects I would say so, yes.

MR. SCOTT:

Thank you.

EXAMINATION BY MR. NEURIN:

Q Sir, you have indicated that there is what you feel has a certain ambiguity of rules and you also say that - and I'm paraphrasing you, that there is or that the guards feel that they can't really do anything to a prisoner because any punishment that is metted out is rather ineffective. Now, I will get right to the point; that gives us an area of problem, but you haven't given us a solution. Now one possible solution that might be advocated would be corporal punishment. Now, would you say that the guards, and I am not asking you personally, but the guards as a whole would advocate some form of corporal punishment?

A Yes, in a sense that if a man is guilty of some of these - I can't say that all of them, but if some of them, that they should be taken off privileges for a certain length of time.

Q Well, maybe you misunderstood me. When I say "corporal" punishment, that implies to me something like the paddle or the lash or what-have-you and I'm wondering if now that you have raised this problem, if you advocate or if the guards advocate that as a solution?

A Not with the paddle or lash, no, sir.

THE COMMISSIONER: I am very glad to hear you say that.

A Pardon?

THE COMMISSIONER: I am very glad to hear you say that.

MR. MEURIN: As far as the other areas covered, Mr. Commissioner, there has been on occasion that the rules are indefinite and people don't know what to follow. I have discussed this with my client and it seems to me that we are getting into an area of management and philosophy as to how to run an institution. I think there is argument that could be made on the other side. A person could argue that if you are given rules to the extent that you are told by a directive to do everything, that you have no discretion and then you are being treated like a child. I think that kind of discussion is irrelevant to this Inquiry and I don't propose to go into it.

THE COMMISSIONER: Thank you, Mr. Meurin.

MR. PEACOCK: Thank you, sir. Those are all the witnesses that are available, sir. We will reconvene on Friday morning at ten o'clock.

THE COMMISSIONER: Is that the 16th?

MR. PEACOCK: And I doubt we will be able to conclude on Friday, but I think perhaps one further day next week.

THE COMMISSIONER: And that should do it?

